



US Army Corps
of Engineers®

Nashville District

Public Notice

Public Notice No. 07-72

Date: August 15, 2007

Application No. 2007-01619

Expires: September 14, 2007

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214-2660

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
COMMONWEALTH OF KENTUCKY

SUBJECT: Discharge of Fill Material to Facilitate the Restoration and Enhancement of a Segment of Buck Creek in Pulaski County, Kentucky

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (33 U.S.C. 1344)**. Certification that applicable water quality standards will not be violated must be provided by the Commonwealth of Kentucky, Division of Water pursuant to Section 401(a)(1) of the CWA before a permit can be issued. The applicant has submitted an application to that agency for the required certification.

APPLICANT: Kentucky Transportation Cabinet (KTC)
200 Mero Street, 6th Floor
Frankfort, Kentucky 40622

AGENT: Springburn, LLC
1298 Park Drive
Cookeville, Tennessee 38501

LOCATIONS: Work would occur on the Pumphrey Tract, a 231-acre parcel owned by The Nature Conservancy (TNC). The tract is located along East Fairview Road, approximately 6 miles east-northeast of Eubank in Pulaski County, Kentucky. The Buck Creek segment proposed for restoration is between Stream Miles 47.0 and 48.5 and is located on the Woodstock, KY, quadrangle map at approximately Latitude 37° 17.726' North, Longitude 84° 34.344' West.

DESCRIPTION: The applicant is proposing to perform stream restoration and enhancement work along Buck Creek by relocating a 5,782-foot reach into a new 6,963-foot meandering channel within its historic floodplain channel. The focus of the project is to re-construct the existing, degraded streams using natural stream channel design techniques to achieve a system of stable channels that convey the bankfull discharge and sediment supplied and that restore the channel-floodplain interaction to the desired recurrence interval of approximately 1.2 to 1.5 years, thus providing good in-stream habitat and long-term channel stability. Specific restoration objectives include:

- a) Restoring the bankfull channel to convey the bankfull discharge and sediment supplied from upstream.
- b) Restoring the interaction between the bankfull channel and its floodplain (Priority I Restoration).
- c) Restoring natural morphological features and variability in pattern (i.e., sinuosity, wavelength, radius of curvature), profile (riffle-run-pool-glide morphology) and section (altering shallow riffles and deep pools). Channel morphology will be restored to lie within the central tendency of natural channels for the valley type and hydrology present, including meander planform (sinuosity, radius of curvature, wavelength, and meander arc length), riffle-pool morphology, and section geometry (width-depth ratio, section asymmetry at pools, etc.). Analysis of historical aerial photographs and USGS topographic maps are used where appropriate to restore the streams to the pre-impacted morphological condition.
- d) Increasing in-stream habitat values using the EPA Rapid Bioassessment Protocol.
- e) Establishing a protective riparian corridor with a width of 50 feet, extending from left and right channel banks, and planted with native vegetation.

Any stream mitigation credits derived as a result of the restoration project will be held by TNC for future use by the KTC. The credits will be utilized to mitigate unavoidable impacts to jurisdictional waters in the Cumberland River basin as determined appropriate by the U.S. Army Corps of Engineers, Nashville District and the Kentucky Division of Water (KDOW). The KTC is projecting that the work along Buck Creek would generate 7,880 credits to be utilized.

Plans of the proposed activity are attached. Additional details are available upon request.

Two additional stream restoration projects are being proposed on the Pumphrey Tract. Each has been determined to be independent of this project and is being reviewed separately. One (File No.

200701620) involves a request by the KTC to restore the unnamed tributaries to Buck Creek. The second (File No. 200602255) involves a request by The Nature Conservancy (TNC) to restore the upper end of the Pumphrey #1 tributary for the Kentucky In-Lieu-Fee (ILF) program. Each project is currently being reviewed by this office for possible NWP #27 authorization.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A DA permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review

constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

The applicant has initiated dialogue with the U.S. Fish and Wildlife Service (USFWS) concerning potential impacts to threatened and endangered species. This office will consult with the USFWS as required by Section 7 of the Endangered Species Act prior to making a permit decision.

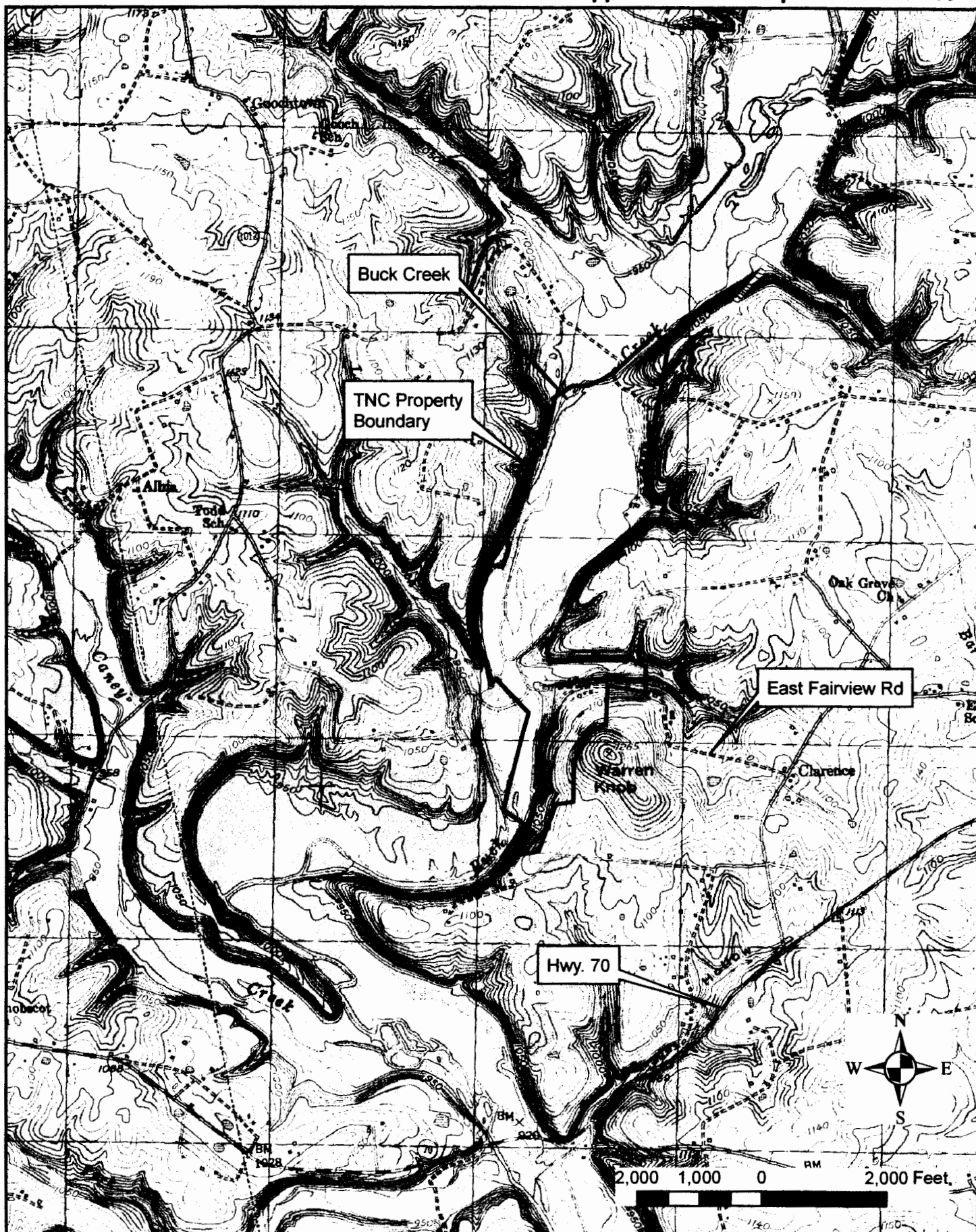
Other federal, state, and local approvals required for the proposed work includes: Water quality certification from the Commonwealth of Kentucky, in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received by September 14, 2007, will become a part of the record and be considered in the permit determination. Responses to the notice should be directed to the Regulatory Branch, Attention: Marty Tyree, at the above address or (615) 369-7514.

Figure 1
Vicinity Map

Project: Pumphrey-Buck Creek Stream
Restoration and Enhancement
Applicant: KY Transportaion Cabinet



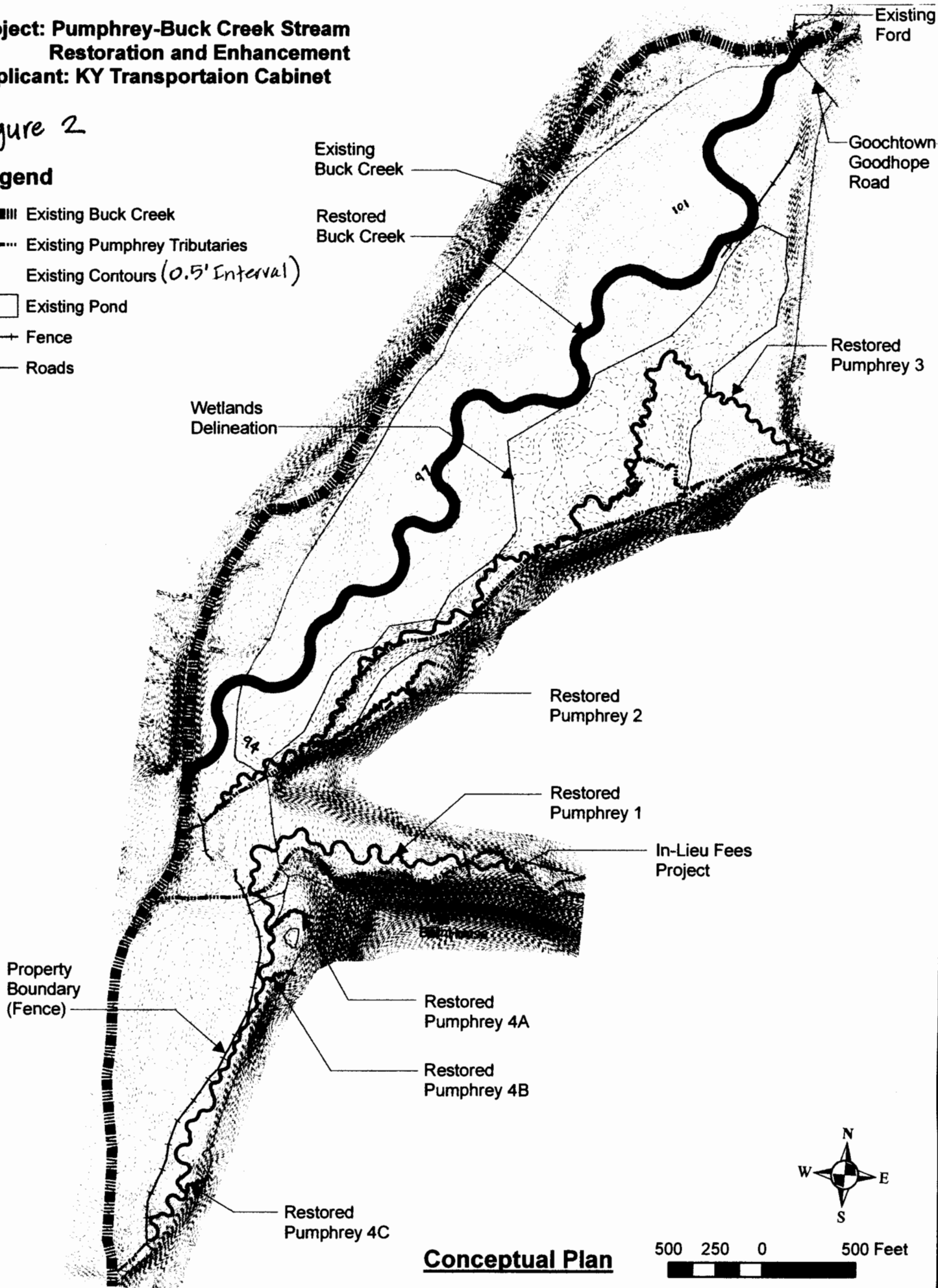
USGS Woodstock Quadrangle

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Figure 2

Legend

- Existing Buck Creek
- Existing Pumphrey Tributaries
- Existing Contours (0.5' Interval)
- Existing Pond
- Fence
- Roads



Conceptual Plan

500 250 0 500 Feet

